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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,287	10/22/2003	Brian J. Cragun	ROC920030187US1	2240

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EXAMINER

PONIKIEWSKI, TOMASZ

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/691,287	Applicant(s) CRAGUN ET AL.	
	Examiner Tomasz Ponikiewski	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/22/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-31 are pending.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-2 and 24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 and 15 of copending Application No. 10/600382. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications use steps that are clearly similar. For example claim 1 of instant application states "create the reference", claim 1 of application 10/600382 states "create a reference". The last step in claim 1 of the instant application recites "creating a record containing the reference and the index for the first data object" while the last step of claim 1 of application 10/600382 recites "creating a record containing the reference and the link to each sub-object in the referenced portion". In effect both state the same thing.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 3-8 and 25-26 are dependent on independent claims 1 and 24 and therefore carry the same deficiency.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 9-23, 25, 28-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 9, 17, 25 and 28 recite "second view of data" in the body of the claims. The claims and the specification do not show how this view is obtained or what is meant by second view.

Claims 10-16, 18-23 and 29-31 are dependant of claims 9 and 17 and therefore carry the same deficiency.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-8, 9-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "to create the reference" in line 4. It is unclear to the examiner who does the creating or if the creating is tied to remaining claim steps.

Claim 3 recites the limitation "the view of data" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "a table of query results" in line 2. It is unclear to the examiner as to where the query results come from. There is no query involved in this or parent claim.

Claims 2, 4-8 are dependent on claim 1 and therefore carry the same deficiency.

Claim 9 recite "second view" which is not defined making it vague and confusing.

Claims 10-16 are dependent on claim 1 and therefore carry the same deficiency.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1,9,17 and 24-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 9, 17, 27 do not list any hardware (i.e. computer) tied to the steps in order to store results or operate the steps of the claims therefore resulting in software only implementation.

Claims 24, 25 and 26 are not limited to tangible embodiments. In view of applicant's disclosure, specification page 5, paragraph 0021, the medium is not limited to tangible embodiments. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media. For this specification, signal-bearing media would be not statutory but storage media would be statutory.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-10, 12-22 and 24-30 rejected under 35 U.S.C. 102(e) as being anticipated by Bays et al. (US 2003/0018632).

As per claim 1 Bays et al. is directed to a method for associating a reference with a portion of a first view of data, comprising:

providing an interface allowing a user to select the referenced portion and to create the reference, wherein the referenced portion comprises at least two sub-objects visible in the first view of data (page 4, paragraph 0050, lines 7-9, wherein "reference" means "annotation"; page 4, paragraph 0053);

creating a link to each sub-object in the referenced portion (page 2, paragraph 0020, lines 1-6);

and creating a record containing the reference and the link to each sub-object in the referenced portion (page 2, paragraph 0020, lines 1-9).

As per claim 2 Bays et al. is directed to the reference comprises an annotation describing the referenced portion (page 4, paragraph 0052, lines 13-15).

As per claim 3 Bays et al. is directed to

the view of data comprises a table of query results (figure 2 shows "interface" with icons, rows and columns);

and the at least two sub-objects comprise cells in the table of query results (figure 2 shows "interface" with icons, rows and columns);

and the referenced portion comprises at least one row of cells visible in the table of query results (figure 2 shows "interface" with icons, rows and columns).

As per claim 4 Bays et al. is directed to the referenced portion comprises the entire table of query results (page 1, paragraph 0013, lines 11-16).

As per claim 5 Bays et al. is directed to the link to each sub portion indicates a table, row, and column defining a corresponding cell (page 2, paragraph 0020, lines 3-6, wherein "link" means "pointer information").

As per claim 6 Bays et al. is directed to the link to each sub-object comprises an index having one or more parameters generated based on a table, row, and column defining the corresponding cell (page 2, paragraph 0020, lines 3-6, wherein "link" means "pointer information").

As per claim 7 Bays et al. is directed to further comprising creating an entry in a link table for each sub-object in the referenced portion, wherein the entry for each sub-

object contains an indication of the reference (page 2, paragraph 0020, lines 3-6, wherein "link" means "pointer information").

As per claim 8 Bays et al. is directed to the entry for each sub-object contains an identifier uniquely identifying the record containing the reference (page 2, paragraph 0020, lines 3-6, wherein "link" means "pointer information").

As per claim 9 Bays et al. is directed to a method for providing an indication of a reference to a portion of a first view of data, comprising:

providing an interface allowing display of a second view of data (figure 2 shows "interface" with icons, rows and columns and different view button; page 3, paragraph 0038, lines 7-9, wherein "second view" means "views");

analyzing the second view of data to identify sub-objects visible in both the second view of data and the referenced portion of the first view of data (figure 2 shows "interface" with icons, rows and columns; page 3, paragraph 0038, lines 10-14);

and providing an indication of the reference in the interface, only if a predetermined set of sub-objects visible in the second view of data are visible in the referenced portion of the first view of data (page 3, paragraph 0038, lines 10-19).

As per claim 10 Bays et al. is directed to analyzing the second view of data to identify sub-objects visible in both the second view of data and the referenced portion of the first view of data comprises:

obtaining a set of sub-object links stored with the reference (page 3, paragraph 0038, lines 14-15);

and identifying sub-objects identified by the sub-object links that are visible in the second view of data (figure 2 shows “interface” with icons, rows and columns; page 3, paragraph 0038, lines 14-19).

As per claim 12 Bays et al. is directed to providing an indication of the reference in the interface only if each sub-object visible in the referenced portion of the first view of data is visible in the second view of data (figure 2 shows “interface” with icons, rows and columns; page 2, paragraph 0017, lines 22-29).

As per claim 13 Bays et al. is directed to providing an indication of the reference in the interface comprises displaying an icon proximate one or more sub-objects visible in the second view of data that are also visible in the referenced portion of the first view of data (figure 2 shows “interface” with icons, rows and columns).

As per claim 14 Bays et al. is directed to more than one reference is associated with one or more portions of data in the second view and separate icons for each reference are displayed (figure 2 shows “interface” with icons, rows and columns; page 2, paragraph 0017, lines 27-29).

As per claim 15 Bays et al. is directed to the reference comprises an annotation (page 4, paragraph 0052, lines 13-15);

and the method further comprises displaying the annotation in response to a user selecting the icon (page 4, paragraph 0051, lines 3-9).

As per claim 16 Bays et al. is directed to providing an indication of one or more sub-objects visible in the second view of data that are also visible in the referenced portion of the first view of data (figure 2 shows "interface" with icons, rows and columns; page 4, paragraph 0055, lines 1-3).

As per claim 17 Bays et al. is directed to a method of creating and displaying an annotation associated with an annotated portion of a first view of data, comprising:

providing an interface allowing selection of the annotated portion of the first view of data and creation of the annotation, wherein the annotated portion comprises at least two cells visible in the first view of data (figure 2 shows "interface" with icons, rows and columns; page 4, paragraph 0050, lines 7-9, wherein "reference" means "annotation"; page 4, paragraph 0053);

creating a record containing the annotation and a link to each cell in the annotated portion (page 2, paragraph 0020, lines 1-9);

presenting a second view of data (figure 2 shows "interface" with icons, rows and columns and different view button; page 3, paragraph 0038, lines 7-9, wherein "second view" means "views");

analyzing the second view of data to identify cells visible in both the second view of data and the annotated portion of the first view of data (page 3, paragraph 0038, lines 10-14);

and providing an indication of the annotation, only if a predetermined set of cells visible in the second view of data are visible in the referenced portion of the first view of data (page 2, paragraph 0017, lines 22-29).

As per claim 18 Bays et al. is directed to the predetermined set of cells comprises at least one of:

all the cells visible in the annotated portion of the first view of data (figure 2);

a predetermined number of cells visible in the annotated portion of the first view of data (figure 2);

a specified set of cells visible in the annotated portion of the first view of data (figure 2);

and a predetermined percentage of cells visible in the annotated portion of the first view of data (page 2, paragraph 0022, lines 5-7).

As per claim 19 Bays et al. is directed to the predetermined set of cells is specified by a user via the interface allowing selection of the annotated portion of the first view of data and creation of the annotation (page 2, paragraph 0020).

As per claim 20 Bays et al. is directed to providing a mechanism for identifying the predetermined set of cells, wherein the mechanism is accessible by a human user or a software application (page 2, paragraph 0022, lines 5-7).

As per claim 21 Bays et al. is directed to the method further comprises creating an entry in a link table for each cell in the annotated portion, wherein the entry for each cell contains an indication of the annotations (page 2, paragraph 0020, lines 3-6, wherein "link" means "pointer information").

As per claim 22 Bays et al. is directed to the entry for each cell contains an identifier uniquely identifying the record containing the annotation (figure 2; page 2, paragraph 0020, lines 3-6, wherein "link" means "pointer information").

As per claim 24 Bays et al. is directed to a computer-readable medium containing a program for associating an annotation with an annotated portion of a first view of data which, when executed by a processor, performs operations comprising:

providing an interface allowing a user to select the annotated portion and to create the annotation, wherein the annotated portion comprises at least two cells visible in the first view of data (page 4, paragraph 0050, lines 7-9, wherein "reference" means "annotation"; page 4, paragraph 0053);;

creating a link to each cell in the annotated portion (page 2, paragraph 0020, lines 1-6);

and creating a record containing the reference and the link to each cell in the annotated portion (page 2, paragraph 0020, lines 1-9).

As per claim 25 Bays et al. is directed to displaying of a second view of data (figure 2 shows "interface" with icons, rows and columns and different view button; page 3, paragraph 0038, lines 7-9, wherein "second view" means "views");

analyzing the second view of data to identify cells visible in both the second view of data and the annotated portion of the first view of data (figure 2 shows "interface" with icons, rows and columns; page 3, paragraph 0038, lines 10-14);

and providing an indication of the annotation, only if a predetermined set of cells visible in the second view of data are visible in the annotated portion of the first view of data (figure 2 shows "interface" with icons, rows and columns; page 2, paragraph 0017, lines 22-29).

As per claim 26 Bays et al. is directed to providing an interface allowing the user to specify the predetermined set of cells (page 2, paragraph 0022, lines 5-7).

As per claim 27 Bays et al. is directed to a system for creating and displaying annotations associated with views of data, comprising:

an application for displaying views of data (figure 2 shows "interface" with icons, rows and columns; page 4, paragraph 0050, lines 8-9);

an annotation database for storing annotation records (page 4, paragraph 0052, lines 16-17);

and an annotation system configured to allow a user to create and annotation for a selected annotated portion of a first view of data displayed by the application, wherein the annotated portion comprises at least two cells visible in the first view of data, create cell links to each cell visible in the annotated portion, and create an annotation record containing the annotation and the cell links (figure 2; page 3, paragraphs 0027-0032).

As per claim 28 Bays et al. is directed to the annotation system is further configured to:

analyze a second view of data displayed by the application to identify cells visible in both the second view of data and the annotated portion of the first view of data (figure 2 shows "interface" with icons, rows and columns; page 3, paragraph 0038, lines 10-14);

and provide an indication of the annotation, only if a predetermined set of cells visible in the second view of data are visible in the annotated portion of the first view of data (page 2, paragraph 0017, lines 22-29).

As per claim 29 Bays et al. is directed to the annotation system is further configured to allow a user to specify the predetermined set of cells (page 2, paragraph 0022, lines 5-7).

As per claim 30 Bays et al. is directed to the system further comprises a link table (page 2, paragraph 0020, lines 3-6, wherein "link" means "pointer information");

and the annotation system is further configured to create an entry in a link table for each cell in the annotated portion of the first view of data, wherein the entry for each cell contains an identification of the annotation (page 2, paragraph 0020, lines 3-6, wherein "link" means "pointer information"; page 4, paragraph 0052, lines 16-17).

Allowable Subject Matter

12. Claims 11, 23 and 31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

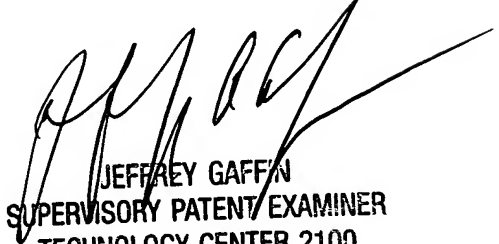
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomasz Ponikiewski whose telephone number is (571)272-1721. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tomasz Ponikiewski
March 15, 2006



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